

U. S. Circuit Court
District of Massachusetts } In Equity

Hugh W. Collender

vs.

John E. Came et al.

Edward O. Skelton of lawful age being duly sworn says:

I am New England Agent for the Complainant, and have been engaged in the Billiard Table business in Boston for about 18 months last past, and have been familiar with the market for the greater part of that time.

Messrs J. E. Came & Co. are my chief competitors. I have no personal knowledge as to what cushions they are now making, and have no means of acquiring such knowledge, but as a matter of trade knowledge I have no doubt that Messrs J. E. Came & Co. have continued making what is known to the trade as "Came's Patent Standard Watch-Spring Cushions" and are now using that cushion on all their tables, except on the six pocket or pool tables, on which they have generally used cushions made by the complainant and known to the trade as "Collender's Combination Cushion".

Attorney, Petitioner

vs.

James C. Lee

*Officer of
E. O. Shepley*



C. L. H. S.
Mass. Dist.

No 822 Hugh H. Colander v. John E. Curme & Co

Cash for Petition

Petition, entry &c. 4.00

Marshals fees, Service &c. 5.12

Tr. Oct. 5. 1876 @ 2.64

att. & postage .33

Tr. ret day sum. 2.64

att. .33

5.94

Colenders fees

File 60

D.E. 1.05

S.F. 3.00

Dec. 1.00

Rec. 3.00

8.65

Attys fees

20.00

For costs for on reference

~~50.00~~

\$ 43.71

United States Circuit Court
District of Massachusetts.
In Equity.

Hugh W. Hollander

^{vs.}
J. E. Gane et al
Stipulation.

It is agreed that the petition in the above
suit be dismissed.

J. H. Maynard
Solicitor for Petitioner

Edw. B. Burt & Bros.

Solicitors for Defendants.

George W. Colburn

et.

J. S. Lane et al.

Exhibits

Ag. W. & Associates



Circuit Court of the United States.
District of Massachusetts.

In Equity.

Hugh W. Collender,
Petitioner

v.

John E. Came and James E. Came.

The joint and several answers of John E. Came and James E. Came, respondents to the petition of Hugh W. Collender, charging contempt.

These respondents are informed and believe that the said petitioner is the owner of the letters patent mentioned in his said petition; and they admit that at the May term of this Court in the year 1876 in the suit of the said petitioner in equity against these respondents it was ordered by the Court that injunction issue against these respondents; that thereafter a writ of injunction was issued out of this Court enjoining and commanding these respondents as recited in the said petition and that the said writ of injunction was served upon the said James E. Came on the 5th day of September 1876, and on the said John E. Came on the 11th day of September 1876 as alleged in the said petition.

But these respondents deny that at any time since the service of the said injunction upon them they have in any manner whatsoever disregarded or disobeyed it or any order or command therein contained as charged and alleged in the said petition.

And these respondents on the contrary aver that ever since the service of the said writ of injunction upon them they have in every particular respected and obeyed the orders and commands therein contained and have not themselves nor either of them nor by their agents or servants violated or infringed upon the aforesaid letters patent dated March 19th 1867, and granted to the said petitioner, nor directly or indirectly made or caused to be made any cushions for billiard tables in the mode described and claimed in the said aforesaid letters patent nor used nor sold to others to be used in any manner cushions for billiard tables so made; nor done, advised or aided in doing any act whatsoever contrary to the said writ of injunction or in violation of the intent thereof.

And these respondents further answering aver that since the service of the said writ of injunction upon them as aforesaid they have not directly or indirectly manufactured any billiard table cushions by uniting the parts employed in forming the same by placing the harder or more dense and less elastic substances in a mould and allowing the melted rubber to flow against, around or into the harder or more dense and less elastic substances or causing the plastic rubber by pressure to unite with the same and then vulcanizing the india-rubber, substantially as and for the purposes set forth in the letters patent aforesaid; but that on the contrary they have ever since the service of the said writ of injunction manufactured their billiard table cushions by another and a substantially different mode to wit:

They have purchased from rubber manufacturers

the rubber bodies of the cushions already vulcanized and not containing therein any face hardening material whatsoever, but formed with a hole or cavity running parallel with the face thereof to receive by subsequent insertion, the steel strip covered with woven fabric which is described in the letters patent to John E. Gane No. 142435; that the mode practised by them of uniting this covered steel strip with the vulcanized rubber body has been to coat the surface of the woven covering upon the steel strip with rubber cement and then shove it lengthwise into the cavity contained in the rubber body to which it adhered when the cement had solidified.

And these respondents further aver that they have also with a knife slit open the rubber body lengthwise from the surface to the cavity mentioned and have placed the covered steel strip therein and cemented the parts together again and have found such a mode of constructing a cushion to be efficient and convenient; but that they have not yet actually put upon the market any cushion made according to this latter mode.

And these respondents further answering aver that they are informed and believe that a billiard table cushion containing within its rubber body a steel strip covered with woven fabric is within the claim of the patent aforesaid granted to John E. Gane, whether the steel strip so covered be incorporated with the rubber body by placing it in a mould along with the plastic rubber compound and vulcanizing the rubber around it, or whether the same steel strip be inserted by mechanical means into the already vulcanized rubber body and there secured

by cement in the manner above described; and that
for this reason they have continued to advertise their
said manufacture as in accordance with the patent
aforesaid to John E. Carne.

John E. Carne
James E. Carne

W. of A. }
Sup. Dist. } Nov. 4, 1876

Subscribed and sworn to before me

John G. Sutton
Notary Public

822
Hugh W. Collender
Petitioner.
v.
John E. Carne et al.

Defendants Answer.



UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal of our District of Massachusetts, or to either of his Deputies,

GREETING:

WE COMMAND YOU that you Summon

*John C. Lane
and James C. Lane said District
of Massachusetts*

(if ~~they~~ may be found in your precinct)

to appear before the Circuit Court of the United States, ~~to~~
^{now} be holden at Boston, within and for the Massachusetts District, on *Wednesday the first*
day of *November next* at ten o'clock, A. M., then and there to show
cause, if any ~~they~~ *have*, why an injunction should not issue against ~~him~~ as prayed
for in the Bill of Complaint of *in their own proper persons,*
then and there to answer the petition of Hugh W.
Collender of the City of New York, this day
filed in the office of the Clerk of said Circuit Court
and to show cause why the prayer of said petition
should not be granted.
~~this day filed in the office of the Clerk of said Circuit Court.~~

HEREOF FAIL NOT, and make due return of this Writ, with your doings
thereon, into our said Court.

Witness, the Honorable

at Boston aforesaid, the

in the year of our Lord one thousand eight hundred and seventy - six

Morrison R. White
twenty-sixth day of *October*
Wm. H. Thompson CLERK.

United States of America, }
MASSACHUSETTS DISTRICT, SS. }
John 21st 1876

Pursuant herunto, I this day summoned the within named

John E. Cane & Frances E. Cane

to appear before the Circuit Court as within directed by giving in hand & cash
of them a true and attested copy of this record.

U. S. Marshal.

Dec 12 4/12
Clerk
J. C. 12

Attorney.

J. C. Maguire

1876

RETURNABLE,
Nov. 1st
at 10. A.M.

SUMMONS TO SHOW CAUSE.

John E. Cane et al

vs.
Hugh W. Hollister

In Equity,

To the Honorable the Justices of the Circuit
Court of the United States within and for the
District of Massachusetts sitting in Equity.

Respectfully represents unto Your Honors, Hugh
W. Colver of the City of New York in the Southern
District of New York that the said Colver is the
owner of the letters patent hereinafter mentioned;
that at the May Term of this Court in the
year 1876 in the suit of your petitioner in
Equity against John E. Lane and James E. Lane
of said District of Massachusetts, it was ordered
by the Court that injunction according to the
prayer of the bill in said suit be issued
against the said defendants; that thereupon
a writ of injunction was duly issued by the
said Court bearing date September 5th 1876 en-
joining and commanding the said defendants
from and immediately after the receipt and
notice of said writ of injunction that they
and their agents and servants or any of them
should not violate or infringe the Reissued
Letters patent dated March 19th 1867 granted
to your petitioner upon which Reissued
letters patent the said suit was founded;
and that said defendants should not di-
rectly or indirectly make a case like
made, use, or sell to others to be used
in any manner any ~~business~~ ^{business} for

William totter, described and claimed in said
cessed letters patent, or any sub-
stantial part thereof:

That said writ of injunction was duly served
on the said James E. Lane on the 5th day of Sep-
tember 1876 and on the said John E. Lane on the
11th day of September 1876 by giving them in
hand an attested copy of the said writ as
by the said writ with the return of the
Marshal thereon will more fully appear.

And your petitioner farther represents that
since the service of the said injunction upon
the said John E. Lane and James E. Lane they
have disregarded and disobeyed said order
and still continue to disregard and disobey
said order of said Court, and the writ of in-
junction issued as aforesaid in pursuance
thereof.

Wherefore your petitioner prays that sui-
table process may be issued by said Court
and that said John E. Lane and James E.
Lane may be arrested and brought before
this Honourable Court, to answer for a
contempt of Court in disregarding and
disobeying said order and said injunc-
tion and be punished therefor; and for such
other and farther order in the premises as to
the Court may seem meet.

Hugh W. Allen By his Solicitor
J. E. Mayhew

822- Oct. 1 - 1876
Hugh W. Colver
Plaintiff

v.
John S. Carter et al

Recorded
B. H. R.

Return.

Oct. 27. 1876 - Return taken
according to the order,
1876 at 10. A.M.
att.

Colver

